

REMARKS

Reconsideration and allowance of the subject application in view of the following remarks is respectfully requested. Entry of the amendment is warranted under Rule 116 because only arguments have been presented and the claims have not been amended.

Claims 1-10 remain pending in the application. No claims are amended.

Claims 1-10 are rejected under 35 USC 102(b) as being anticipated by Hancock et al. (US Patent No. 5,847,367). Applicants respectfully traverse the rejection for the reasons discussed below.

Hancock discloses a circuit for controlling the temperature of a heating element. Notwithstanding the Examiner's assertion that column 6, line 13 – column 7, line 32 disclose the means for controlling switching time, the paragraphs designated by the Examiner do not mention controlling switching time. In fact, Hancock merely discloses "switching means", and nowhere does Hancock disclose controlling switching time.

By contrast, as recited in claim 1, the control means for controlling a switch time of the electric switch control a voltage across terminals of the switch. Further, according to the Specification of the present application, the switch time should be interpreted as the time used by the switch to switch from ON to OFF or from OFF to ON (See, for example, page 2, lines 2-11 and page 4, lines 1-30). That is, the switching time is the time to establish the voltage ON or OFF.

Regarding the most common expression used to deal with the command of a switch by altering ON and OFF periods and controlling the percentage of time ON divided by the complete period ON+OFF, e.g. the plain meaning for switching time, is "Duty cycle". As illustrated in the Specification of the present application, the duty cycle, being the ratio between the time for which the power supply to the wire is present and the total duration of one period, allows the temperature of the heating wire to be regulated. (See, page 1, lines 26-30). In terms of the definition from Wikipedia, duty cycle is the proportion of time during which a component, device, or system is operated. (See, http://en.wikipedia.org/wiki/Duty_cycle).

Another definition in electronic for switching time stated in IBM journal of Research and Development (Jan/Mar 2000) is that "the switching time would be based on the time interval between the 10 and 90 percent value of the total flux-change." (See, http://66.102.9.104/search?q=cache:nls5cQ7PvoJ:findarticles.com/p/articles/mi_qa3751/is_200001/ai_n8891973/pg_3+%22switching+time%22+definition&hl=fr&cl=clnk&cd=7&gl=fr). Based upon the plain meaning of switching time, Hancock fails to disclose such control means for controlling a switch time of the electric switch as claimed in claim 1. Therefore, for at least this reason, this rejection should be withdrawn and claim 1 should be patentable over the applied art.

Claims 1, 4, 5 and 10 are rejected under 35 USC 102(a) and (e) as being anticipated by Prager (US Publication Number 2002/0130123). Applicants respectfully traverse the rejection for the reasons discussed below.

Prager discloses a device for detecting, monitoring, and controlling the operating status of an electric iron. The control unit 40 of Prager is considered as the control means for controlling a switch time of the electric switch by the Examiner. Applicants respectfully disagree. As illustrated in column 3, paragraph [0033], Prager discloses the control unit 40 for controlling a power switch 6. By contrast, the claimed control means in claim 1 is to control the switch time, not to control switching means. Prager fails to disclose the control means for controlling a switch time of the electric switch neither. Accordingly, this rejection should be withdrawn.

Claims 2-10 depend from Claim 1, and are considered patentable at least for the reasons advanced with respect to Claim 1.

Claims 2, 3, and 6-9 are rejected under 35 USC 103(a) as being unpatentable over Prager (US Publication No. 2002/0130123). Applicants respectfully traverse the rejection.

Claims 2, 3 and 6-9 are dependent on Claim 1. Thus, Claims 2, 3 and 6-9 should be patentable for as least the same reasons as Claim 1. Accordingly, the obviousness rejection should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP



Kenneth M. Berner
Registration No. 37,093

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: November 6, 2008
KMB/CHY/cac